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In re Application of

Bretl, et al.

Application No. 09/330,769

Filed: June 11, 1999

Attorney Docket No. 7081

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 5, 2007.

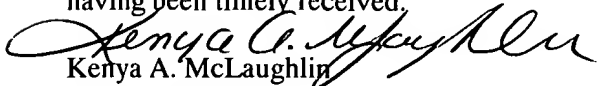
The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on November 11, 2006, after it was believed that no response was received to the non-final Office action mailed August 10, 2006. The action allowed a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on February 23, 2007, indicating that a reply to Office was not received.

The instant petition maintains that a response to the Office action was mailed on December 15, 2006. A copy of the response containing a certificate of mailing dated December 15, 2006, accompanied the petition. The same person who signed the instant petition evidencing his personal knowledge that the response was actually mailed on December 15, 2006, signs the certificate of mailing.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly. There is no fee for the instant petition. Deposit account 16-2201 will be refunded \$130.00, in due course.

The application file is being forwarded Technology Center 2600, GAU 2621, for further processing including the consideration of the copy of the response mailed December 15, 2006, which will be noted as having been timely received.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions